

#21615

## AGREEMENT

THIS AGREEMENT is made by Fino Italian Restaurant, a District of Columbia corporation, t/a Fino Restaurant ("the Applicant") with Advisory Neighborhood Commission 2E ("the ANC") and the Citizens Association of Georgetown ("CAG").

WHEREAS, the Applicant has filed with the District of Columbia Alcoholic Beverage Control Board (the "Board") an application no. 21615 ("the Application") for the renewal of the Retailer's license, Class CR, at premises 3033 M Street, N.W. ("the establishment");

WHEREAS, the ANC represents the residents and taxpayers within its boundaries and wishes to insure that no establishment that sells alcoholic beverages will adversely affect the health, safety, and quality of life in the surrounding community; and

WHEREAS, CAG is a membership organization incorporated in the District of Columbia that represents the interests of the residents of Georgetown; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the Applicant's operational plans;

NOW, THEREFORE, in consideration of the premises above recited, and the covenants and promises set forth below, the parties agree as follows:

1. The Applicant shall at all times operate as a bona-fide restaurant for the primary purpose of food consumption. Alcoholic beverages shall be served primarily in conjunction with the service of meals. The kitchen shall be open and hot food items shall be available until at least one hour before closing.
2. The establishment shall have a maximum capacity of 99 persons, including no more than 74 persons on the first floor and 25 persons on the second floor. The maximum capacity shall be prominently posted as required by law and shall never be exceeded.
3. The establishment shall be open from 11 a.m. to midnight on Sunday through Thursday, and 11 a.m. to 2 a.m. on Friday and Saturday. No extension of these hours shall be made without prior written notice to the ANC and CAG.
4. The applicant may provide live or recorded music for the accompaniment of dining, provided that live and recorded music shall be at levels that cannot be heard from the street outside the establishment except when patrons enter or leave the establishment. There shall be no dancing. The front windows shall remain closed at all times when music is being played.
5. The applicant shall strictly enforce the underage drinking laws of the District of Columbia by requiring valid official identification showing age and cooperating with ABC inspectors and the police department in enforcing the law.
6. The applicant shall not distribute or allow to be distributed or placed fliers, placards, cards and other promotional materials in the public space.
7. The applicant shall not place its trash or litter outside the premises in any containers that are not vermin proof, and shall insure that all legal refuse containers are emptied by a licensed garbage truck hauler daily. Trash shall never be placed in front of any other premises.
8. A fully licensed manager who is conversant with this agreement shall be on duty at all times that the establishment is open.
9. The parties agree that the above provisions are conditions of the license and any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the protestants to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. §1513.5.

The ANC and/or CAG agree to notify the Applicant of any perceived violations at least seven (7) calendar days prior to so petitioning, in order to allow the Applicant an opportunity to address or rectify the perceived violation. However, individual notification of perceived violations is not required for repeated complaints of similar nature, which may serve as grounds for action after the notification period for the first such perceived violation.

10. This written agreement constitutes the only agreement between the parties and may be modified only by the written agreement of both parties.

11. In consideration of, and reliance upon, the foregoing commitments by the establishment, the ANC requests hereby that its protest of the Application be deemed withdrawn.

Executed this 8<sup>th</sup> day of October, 2002.

By: Raymond Hooshang for George Beheshtian  
FINO ITALIAN RESTAURANT  
George Beheshtian, President

By: Pete Pulsifer  
ADVISORY NEIGHBORHOOD COMMISSION 2E  
Peter Pulsifer, Chairman

By: Ray Kukulski  
CITIZENS ASSOCIATION OF GEORGETOWN  
Ray Kukulski, President

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

Fino Italian Restaurant  
t/a Fino Restaurant

Application for a Retailer's Class  
CR License (renewal)  
at premises  
3033 M Street, N.W.  
Washington, D.C.

Case no. 21615-02/069P  
2002-256

Peter Pulsifer, Chairperson, on behalf of Advisory Neighborhood Commission 2E, and  
Karen Tammany Cruse, on behalf of the Citizens Association of Georgetown, Protestants

Madan Arora, President, on behalf of the Applicant

**BEFORE:** Roderic L. Woodson, Esquire, Chair  
Vera Abbott, Member  
Charles Burger, Member  
Laurie Collins, Member  
Judy Moy, Member  
Ellen Oppen-Weiner, Esquire, Member  
Audrey Thompson, Member

**ORDER ON WITHDRAWN OPPOSITION  
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on May 8, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Peter Pulsifer, Chairperson, on behalf of Advisory Neighborhood Commission 2E, and Karen Tammany Cruse, on behalf of the Citizens Association of Georgetown, filed timely opposition.

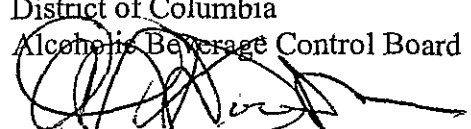
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated October 8, 2002, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

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Fino Italian Restaurant  
t/a same  
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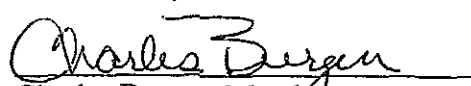
Accordingly, it is this 30<sup>th</sup> day of October 2002, **ORDERED** that:

1. The opposition of Peter Pulsifer, Chairperson, on behalf of Advisory Neighborhood Commission 2E, and Karen Tammany Cruse, on behalf of the Citizens Association of Georgetown, is **WITHDRAWN**;
2. The application of Fino Restaurant t/a same for a retailer's class CR license (renewal) at 3033 M Street, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement between the parties, is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Applicant.

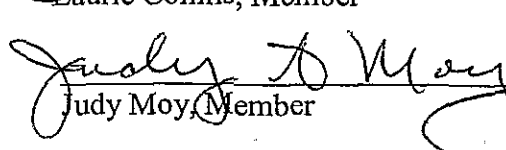
District of Columbia  
Alcoholic Beverage Control Board

  
Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Charles Burger, Member

  
Laurie Collins, Member

  
Judy Moy, Member

Ellen Oppenheimer, Esquire, Member

Audrey E. Thompson, Member